

# VRIJE UNIVERSITEIT AMSTERDAM



De Boelelaan 1105  
Telephone (020) 598 5337

## EXAMINATION APPEALS BOARD

No. 2019/72/916

## EXAMINATIONS APPEALS BOARD

Pronouncing its ruling on the appeal of Ms [name], appellant, resident in [residence], against the decision of the examiner H.L. Gerrits of the Faculty of Behavioural and Movement Sciences of the Vrije Universiteit, defendant, to award an insufficient mark for the subject Clinical Exercise Physiology.

### **I. Course of the proceedings**

On 5 June 2019 the appellant submitted an appeal against the decision of the defendant dated 20 May 2019. The notice of appeal did not fulfil the legal requirements. On 11 June 2019 the appellant was requested to supply the missing details. The appellant complied with this request on 11 June. The other requirements were also fulfilled. On 23 July 2019 the appellant supplemented her notice of appeal.

On 14 June 2019 it was communicated on behalf of the Examinations Appeals Board to the Examination Board that the prescribed procedure requires that the Examination Board, in consultation with the appellant and the examiner, investigates whether an amicable resolution of the dispute is possible. The Examination Board notified the appellant to this end in a timely manner. However, an amicable resolution did not come about.

On 10 October 2019 the Examination Board submitted a notice of appeal. The appeal was handled at a meeting of the Board on 21 November 2019. The appellant did not attend, although she was summoned in a proper manner. The Examination Board was represented by J. J. Stins, member of the Examination Sub-Committee. The Examination Board made an oral presentation of its standpoint.

### **II. Facts and dispute**

On the basis of the documents and the proceedings of the session, the Board has proceeded on the assumption of the following facts.

The appellant began the Master's programme Human Movement Sciences in September 2018. She attained an insufficient mark (5.4) for the Clinical Exercise Physiology (CEP) examination. CEP is a multiple choice examination. The appellant complains of the removal of questions after the examination was taken. She also complains of the lack of transparency concerning the way in which the assessment came about. The appellant was not given the opportunity to go through the work she had made.

The appellant also attained an insufficient mark for the examination resit. She notes that various answers, from which the correct answer had to be chosen, could be interpreted in various ways. Eight answers were removed for this reason, after the assessments had been disclosed and made available for inspection by the students. The assessment of the appellant's work improved slightly as a result, but still remained insufficient for a pass (rounded down, 5.0).

In July 2019 the Examination Board invited the appellant and the examiner to come to a solution. The examiner set out her working method in this meeting. She had retrospectively removed several unclear questions from the examination. This was the reason for a recalculation of the assessments that were awarded to the students. She also explained how the assessment came about. Following this meeting, the appellant and a member of the Examination Board corresponded concerning the question of where the dividing line between 'pass' and 'fail' lies in the examination. Despite the explanation that was given to her, the appellant evidently still disputes the mark awarded to her. She is of the opinion that she is entitled to a higher mark. It is not clear to the Examination Board what that is based on. Her mark (5.46) was rounded down to 5.0, in accordance with the Rules and Guidelines of the Examination Board. This has been explained to the appellant several times.

### **III. Course of the hearing**

The Examination Board set out the way in which marks are rounded off. An assessment with a 5.46 is rounded down to a 5. This was repeatedly explained to the appellant.

By removing several questions from the examination the dividing line between passing and failing the examination was shifted. The appellant's mark turned out to be insufficient for a pass, despite the changed dividing line between passing and failing. The Examination Board noted thereby that in a recalculation, as in this case, the student does not receive a lower mark than had initially been awarded. A recalculation can only turn out in the student's favour.

The Examination Board let it be known that the appellant could have inspected the examination taken by her following contact with the examiner. The confusion concerning which version of the examination was inspected by the appellant was probably connected with the removal of several questions. The rules for inspecting examinations are established in the Academic and Examination Regulations.

### **IV. Considerations of the Board**

The Board has taken cognizance of the manner in which the assessment of the examination taken by the student came about. The Board determines that the manner in which the assessment came about is in accordance with the applicable procedure for this. The fact that the appellant did not understand the working method for rounding off marks and determining a dividing line between 'pass' and 'fail' does not alter this. All things considered, the defendant was able to come to his decision in a reasonable manner.

### **V. Ruling**

The Board declares the appeal unfounded.

Pronounced in Amsterdam, on 10 December 2019, by Dr N. Rozemond, chairperson, and Prof. M.W. Hofkes and Dr J.R. Hulst, members, in the presence of J.G. Bekker, secretary.

Dr N. Rozemond,  
chairperson

J.G. Bekker,  
secretary

The person concerned can submit an appeal against a judgement of the Examination Appeals Board, stating a sound justification, to the Higher Education Appeals Tribunal, Postbus 16137, 2500 BC The Hague. The term for the submission of a notice of appeal is six weeks. The registry fee is €47.00.